

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number

Q76376

Mail Stop AF
Commissioner for Patents
P.O. Box 1450 Alexandria, VA 22313-1450

Application Number

10/629.717

First Named Inventor

Dae-gyu BAE

Art Unit

2427

Filed

July 30, 2003

Examiner
Jeremy S.
DUFFIELD

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reasons(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

☒ I am an attorney or agent of record.

Registration number 51,361

/Ruthleen E. Uy/

Signature _____

Ruthleen E. Uy

Typed or printed name

(619) 238-3545

Telephone number

November 10, 2009

Date _____

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q76376

Dae-gyu BAE, et al.

Appln. No.: 10/629,717

Group Art Unit: 2427

Confirmation No.: 6839

Examiner: Jeremy S. DUFFIELD

Filed: July 30, 2003

For: APPARATUS AND METHOD FOR TRANSMITTING AND RECEIVING
MULTIMEDIA BROADCASTING

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated August 10, 2009, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue. Claims 1, 3-6, 8-17, 19-22 and 24-37 are all the claims pending in the application. Claims 1, 3, 5, 6, 8, 10-17, 19, 21, 22, 24, 26-32, and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piotrowski (US 2002/0188959) in view of Blackketter (US 6,415,438) and further in view of Eng (US 5, 963,557).

In the Advisory Action, the Examiner asserts that Piotrowski teaches that the generation and transmission of multimedia documents is based on a scheduled time and the documents include synchronization data for the supplemental multimedia information.

However, contrary to the Examiner's assertions, Piotrowski at most discloses providing supplemental multimedia information at a proper time. See paragraph [0025]. There is no teaching

or suggestion of a reference clock generator/transmitter. Applicant requests that the Examiner identify where the claimed reference clock generator/transmitter is disclosed in Piotrowski. Further, there is no teaching or suggestion that such a reference clock generator/transmitter generates and transmits a reference clock value, which is a current time value of real-time multimedia broadcasting at the transmission and reception locations, as claimed. The Examiner appears to be making assumptions regarding the reference for teaching the claimed elements.

The Examiner further states in the Advisory Action that multimedia documents are generated and transmitted based on a scheduled time. Piotrowski discloses providing supplemental multimedia information via a web page. The web page can be written using a language such as SMIL. However, Applicant submits that there is no teaching or suggestion of a multimedia document generator/transmitter. Piotrowski merely discloses that the multimedia information can be in SMIL. There is no teaching or suggestion regarding the generation of the SMIL.

Further, there is no teaching or suggestion that the multimedia document generator/transmitter generates and transmits the multimedia document scheduled at the generated reference clock value. Specifically, there is no teaching or suggestion regarding the relationship between the multimedia document and a generated reference clock value.

The Examiner cites paragraphs [0024] and [0029-0038] of Piotrowski for teaching “a media data generator/transmitter, which generates and transmits media data used to render the generated multimedia document.” However, the portion of Piotrowski cited by the Examiner describes the supplemental multimedia information, which the Examiner cited for teaching the claimed multimedia document generator/transmitter. Piotrowski does not teach or suggest a media data

generator/transmitter which generates and transmits media data used to render the generated multimedia document, as claimed.

Also, the invention generates and transmits a reference clock value of real-time multimedia broadcasting, generates and transmits a multimedia document scheduled at the generated reference clock value, and then generates and transmits media data used to render the generated multimedia document. However, the supplemental multimedia information 13 of Piotrowski is synchronized using time codes within the video/TV program 14. See paragraph [0025].

Paragraph [0023] of Piotrowski discloses that the video/TV program 14 is one of many television programs that are broadcast or transmitted to the public. That is, the video/TV program 14 corresponds to the “media data” in claim 1. Accordingly, Piotrowski transmits only supplemental multimedia information synchronized with the video/TV program 14, i.e., media data. In other words, Piotrowski does not generate and transmit a clock value for any information or data.

Furthermore, the video/TV program 14 is one-way broadcasting because it is one of many television programs broadcast or transmitted to the public. The supplemental multimedia information 13 is one-way broadcasting because it is only supplemental information subordinate to video/TV program 14. However, the claimed invention realizes two-way broadcasting, i.e., interactive broadcasting by generating and transmitting a reference clock value of real-time multimedia broadcasting, and then generating and transmitting a multimedia document scheduled at the generated reference clock value and then generating and transmitting media data used to render the generated multimedia document.

The Examiner states that Piotrowski does not clearly teach that the reference clock value is a current time value of real-time multimedia broadcasting at the transmission and reception locations, and cites Blackketter, column 5, lines 5-40, to cure the deficiency. Blackketter discloses an interactive television trigger which has a time attribute value which indicates a future time when the trigger is to be executed. See abstract. A receiver unit determines the future time from the time attribute and waits until the indicated future time. At the indicated future time, the receiver unit executes the trigger. See column 4, lines 56-60. The trigger can indicate a year, a month and a day. A time attribute value "T" indicates a wall-clock date and time. See column 5, lines 7-20. The received unit maintains an indication of the current date and time. See column 5, lines 22-30.

Blackketter discloses broadcasting the current date and time to the receiver so that the receiver, such as a WebTV[®] can maintain a current date and time. Assuming *arguendo*, Blackketter teaches a reference clock generator/transmitter, there is no teaching or suggestion of generating and transmitting a multimedia document scheduled at the generated reference clock value.

The Examiner asserts that Eng, column 17, lines 22-46, discloses a synchronizer which maintains a system clock and periodically broadcasts time stamps to subscriber stations in order to main synchronization. Eng discloses an upstream synchronizer maintaining a system clock and periodically broadcasting time stamps of the system clock so that all station system clocks and the head end system clock are synchronized. Eng does not teach the claimed elements. Further, Eng does not cure the deficiencies of Piotrowski and Blackketter.

For at least the above reasons, claim 1 and its dependent claims should be deemed allowable. To the extent independent claims 6, 16, 17, 22, 32 and 33 recite similar subject matter,

independent claims 6, 16, 17, 22, 32 and 33 and their dependent claims should be deemed allowable for at least the same reasons.

Claims 4, 9, 20, 25, 33, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piotrowski in view of Blackketter and in view of Eng and further in view of the Real-Time Streaming Protocol Specification (RFC 2326). Claims 4, 9, 20, 25, 33, 34, and 35 should be deemed allowable by virtue of their dependency to claims 1, 6, 17, 22 and 32 for at least the reasons set forth above. Moreover, RFC 2326 does not cure the deficiencies of Piotrowski, Blackketter and Eng. To the extent independent claim 33 recites subject matter similar to claim 1, independent claim 33 and its dependent claims should be deemed allowable for at least the same reasons.

Respectfully submitted,

/Ruthleen E. Uy/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Ruthleen E. Uy
Registration No. 51,361

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